

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3636

Confirmation No. 9167

Examiner: Brown, Peter R.

Applicant: Neale, Colin G.

Serial No.: 10/564,487

Filing Date: May 18, 2006

Title: TILTING HEAD RESTRAINT WITH A USE POSITION AND A STOWED POSITION



PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. §1.181(a)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Notice of Abandonment mailed on August 11, 2008 for the above-referenced application, Applicant submits this Petition requesting withdrawal of the holding of abandonment. Applicant notes that no fee is required to be submitted with this Petition.

The facts surrounding the abandonment of the above-referenced patent application and the subsequent request to withdraw the holding of abandonment under 37 C.F.R. §1.181(a) are as follows:

1. A Notice of Allowance and Fee(s) Due for application serial number 10/564,487 was mailed December 10, 2007. A copy of the Notice of Allowance and Fee(s) Due is included at Attachment 1.

2. In response to the Notice of Allowance and Fee(s) Due, Applicant submitted the Issue Fee and Formal Drawings – two (2) sheets. A return postcard confirming receipt of the Issue Fee and Formal Drawings – two (2) sheets in the United States Patent and Trademark

Office was date-stamped March 10, 2008. A copy of the return postcard is included at Attachment 2.

3. A Notice to File Corrected Application Papers – *Notice of Allowance Mailed* for application serial number 10/564,487 was mailed May 30, 2008. The Notice to File Corrected Application Papers – *Notice of Allowance Mailed* indicated that “Figs. 2 & 5 appear to have data cut off.” A copy of the Notice to File Corrected Application Papers – *Notice of Allowance Mailed* is included at Attachment 3.

4. An Office letter for application serial number 10/564,487 was mailed June 2, 2008. The Office letter indicated that “Figs. 2 & 5 appear to have data cut off.” A copy of the Office letter is included at Attachment 4.

5. In response to the Office letter and the Notice to File Corrected Application Papers – *Notice of Allowance Mailed*, Applicant submitted two (2) formal replacement drawing sheets for Figures 1-5. A return postcard confirming receipt of the two (2) formal replacement drawing sheets for Figures 1-5 in the United States Patent and Trademark Office was date-stamped June 9, 2008. A copy of the return postcard is included at Attachment 5.

6. The above-mentioned Notice of Abandonment states that the above-referenced patent application has been abandoned because Applicant failed to reply to the Office letter mailed on June 2, 2008. A copy of the Notice of Abandonment is included at Attachment 6.

7. Applicant hereby re-submits the two (2) formal replacement drawing sheets for Figures 1-5.

In conclusion, Applicant believes that the two (2) replacement drawing sheets were filed and timely received in the United States Patent and Trademark Office in response to the Office letter and the Notice to File Corrected Application Papers – *Notice of Allowance Mailed*, as evidenced by the date-stamped return postcard acknowledging receipt thereof. Thus, Applicant respectfully requests that the holding of abandonment for the above-referenced patent application be withdrawn.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this Statement is directed.

The Commissioner is hereby authorized to charge any additional fee associated with this Communication to Deposit Account No. 50-1759.

Respectfully submitted,



Robin W. Asher (Reg. No. 41,590)
Clark Hill PLC
500 Woodward Avenue, Suite 3500
Detroit, MI 48226-3435
(313) 965-8300

Date: 8/22/08
Attorney Docket No: 19365-103567



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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NOTICE OF ALLOWANCE AND FEE(S) DUE

RECEIVED

12/10/2007

Robin W Asher
Clark Hill
Suite 3500
500 Woodward Avenue
Detroit, MI 48226-3435

DEC 12 2007

CLARK HILL

EXAMINER

BROWN, PETER R

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 12/10/2007

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/564,487 | 05/18/2006 | Colin G. Neale | 19365-103567 | 9167 |

TITLE OF INVENTION: TILTING HEAD RESTRAINT WITH A USE POSITION AND A STOWED POSITION

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO | \$1440 | \$300 | \$0 | \$1740 | 03/10/2008 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

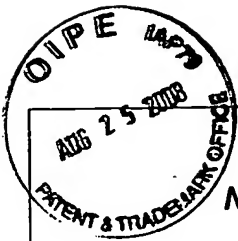
If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



Notice of Allowability

| | | |
|-----------------|-----------------|--|
| Application No. | Applicant(s) | |
| 10/564,487 | NEALE, COLIN G. | |
| Examiner | Art Unit | |
| Peter R. Brown | 3636 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed October 18, 2007.
2. ☒ The allowed claim(s) is/are 1,3-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none">1. <input type="checkbox"/> Notice of References Cited (PTO-892)2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none">5. <input type="checkbox"/> Notice of Informal Patent Application6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____7. <input type="checkbox"/> Examiner's Amendment/Comment8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance9. <input type="checkbox"/> Other _____ |
|--|---|


Peter R. Brown
Primary Examiner
Art Unit: 3636



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United States Patent and Trademark Office
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/564,487 | 05/18/2006 | Colin G. Neale | 19365-103567 | 9167 |

7590

12/10/2007

Robin W Asher
Clark Hill
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500 Woodward Avenue
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EXAMINER

BROWN, PETER R

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 12/10/2007

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

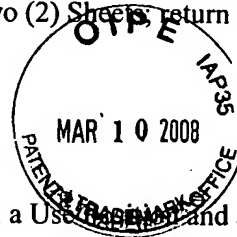
The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Please date stamp and return this postcard acknowledging receipt of the following: Transmittal; Issue Fee, part B; PTO-2038; Formal Drawings, Two (2) Sheets, return postcard Application No.: 10/564,487
Filing Date: May 18, 2006
Attorney: Robin W. Asher
Docket No: 19365-103567
Applicant: Neale
Title: Tilting Head Restraint with a Use Position and a Stowed Position



Mailed via first class mail on 3/6/08.



UNITED STATES PATENT AND TRADEMARK OFFICE



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Serial No. : 10/564487
Applicant: Neale
Filing Date : 05/18/06
Date Mailed : 05/30/08

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Notice of Allowance Mailed

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 2 months from the mail date of this Notice within which to correct the informalities indicated below. If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136(a).

See attachment.

Figs. 2 & 5 appear to have data cut off. Please provide replacement drawings

*A copy of this notice **MUST** be returned with the reply. Please address response to
"Mail Stop Issue Fee, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450".*

L. Fletcher _____
Your name
Office of Patent Publication
Phone: 703-308-9250, ext. 143



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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06/02/2008

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JUN 04 2008

CLARK HILL

EXAMINER

BROWN, PETER R

ART UNIT PAPER NUMBER

3636

MAIL DATE DELIVERY MODE

06/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



IDENTIFICATION OF DRAWING DEFICIENCIES

- ☐ There is a hole or the image thereof within the illustration. FIG(s) _____
- ☐ The character of the lines, numbers and letters is poor. FIG(s) _____
- ☐ The illustration is penetrated or traversed by a solid or broken line that is not intended to be part of the drawing, such as a dark line caused by a flaw in the copying process. FIG(s) _____
- ☐ An ink stamp or an image obscures part of the illustration. FIG(s) _____
- ☐ The drawing is marred by black smudges, obliterations, or fax/copier marks. FIG(s) _____
- ☐ Figure numbers are duplicated or missing. FIG(s). _____
- ☐ Numbers, letters, or reference characters in the drawing have been crossed out by hand or are illegibly handwritten. FIG(s) _____
- ☐ The drawing's background shows that the original drawing was made on graph paper or other paper with a pattern or decoration. FIG(s) _____
- ☐ The FIG. number label is placed in a location that causes the drawing to be read upside down. FIG(s) _____
- ☐ Data, a reference number, or part of the drawing is truncated or missing. FIG(s) _____
- ☐ The drawing is continued onto a second page (or more) without proper labeling under 37 CFR 1.84(u)(1). FIG(s) _____
- ☐ The drawing and/or the FIG. label contain(s) foreign language. FIG(s) _____
- ☐ Color drawings are present in this application but the following 37 CFR 1.84(a) requirements have not been met*:
 - ☐ Petition filed
 - ☐ Petition fee
 - ☐ 3 sets of color drawings
 - ☐ Color drawing paragraph

*If color drawings are not elected, then applicant **must respond** so stating. Also, references to color drawings in the specification, if any, must be amended.381.

COMMENTS: Figs. 2& 5 appear to have data cut off. Please provide replacement drawings

Please date stamp and return this postcard acknowledging receipt of the following: Transmittal; Response to Notice to File Corrected Application Papers—Notice of Allowance Mailed; Two (2) Replacement Drawing Sheets for Figs. 1-5; return postcard.

Application No.: 10/546,487

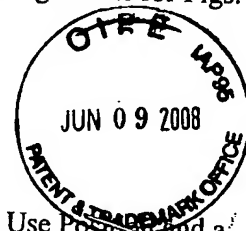
Filing Date: May 18, 2006

Attorney: Robin W. Asher

Docket No: 19365-103567

Applicant: Neale

Title: Tilting Head Restraint with a Use Position and a Stowed Position

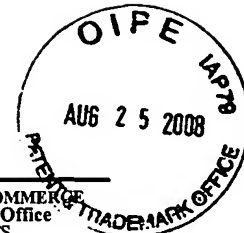


Mailed via first class mail on 6/5/08



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/564,487 | 05/18/2006 | Colin G. Neale | 19365-103567 | 9167 |

7590 08/11/2008
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Detroit, MI 48226-3435

RECEIVED

AUG 13 2008

CLARK HILL

EXAMINER

BROWN, PETER R

ART UNIT PAPER NUMBER

3636

MAIL DATE DELIVERY MODE

08/11/2008

PAPER

Notice of Abandonment

This application is abandoned in view of:

1. ☒ The applicant's failure to timely file a proper reply to the Office letter mailed on 06-02-08
- (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the expiration of the period for reply (including a total extension of _____ month(s)) which expired on _____.
- (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of:
(1) a timely filed amendment which places the application in condition for allowance;
(2) a timely filed Notice of Appeal (with appeal fee);
(3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box e below).
- (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
- (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____.
The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
- (c) ☐ The issue fee and publication fee, if applicable, has not been recieved.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
- (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Trasmission dated _____), which is after the expiration of the period for reply.
- (b) ☐ No corrected drawing have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filling of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) or (b), or request to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management